

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AIDAN S., BY AND THROUGH PARENT AND NATURAL GUARDIAN CRYSTAL WINTERBOTTOM, AND CRYSTAL WINTERBOTTOM IN HER OWN RIGHT v. ARGIE FAFALIOS, SABOLD ELEMENTARY SCHOOL, AND SPRINGFIELD SCHOOL DISTRICT	CIVIL ACTION NO. 19-256
--	---

ORDER

AND NOW, this 20th day of November, 2019, upon consideration of Defendant Faflios's Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6) (ECF 19) and the Response thereto (ECF 19), and for the reasons given in the accompanying Memorandum, it is hereby ORDERED that the Motion to Dismiss is GRANTED, as follows:

- GRANTED, without prejudice and with leave to amend, as to any Title IX claims;
- GRANTED, with prejudice, as to Count I, to the extent that it rests on the Fourth Amendment;
- GRANTED, with prejudice, as to Counts III and IV;
- GRANTED, with prejudice, as to Counts VI and VIII, as to Defendant Fafalios;

Further, Count VII is dismissed in its entirety, without prejudice and with leave to amend.

BY THIS COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge